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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,537	12/21/2001	Martyn Ryder	1650-003	4706
7590	12/13/2004		EXAMINER	
Liniak Berenato & White 6550 Rock Spring Drive Suite 240 Bethesda, MD 20817			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/029,537	RYDER, MARTYN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phi D A	3637	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 17 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-10, 12-17 and 19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-10,12-17 and 19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . . .

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/17/04 has been entered.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12-17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cazalis (3802416) in view of Szatmary (5997399).

Cazalis discloses a containment assembly comprising a powder handling booth (inherently capable of functioning to handle powder) of sufficient size to admit an operator, the booth having a rear wall, a floor for permitting the operator to stand thereon, an upper surface, a barrier means at least a first part of which comprising a flexible material (1), the barrier means being positioned in the booth and spaced apart from the rear wall to define a processing zone between the barrier means and the rear wall, the barrier means extending from the upper surface at least to the floor of the booth, the first part (the gloves and suit) of the barrier means being adapted or adaptable to permit the operator in the booth outside the processing zone to operate

inside the zone, means for inducing air flow in the booth, the rear wall having a lower end and an upper end, more than the first part of the barrier means comprising a flexible material, substantially the whole of the barrier means being composed of flexible material, the barrier means comprising a screen barrier (the transparent parts of barrier 1), the screen barrier comprising a curtain type screen barrier, the barrier comprising an enclosure barrier, the barrier consisting essentially of a front sheet, a first side sheet and a second side sheet, the enclosure barrier enclosing the processing zone when the enclosure barrier is positioned in the booth spaced apart from the rear wall, substantially the whole of the front sheet is composed of flexible material, substantially the whole of the side sheet is composed of flexible material, the front sheet allowing the operator to operate inside the processing zone from the outside, the barrier means comprising a lower edge that extends to the floor, the lower edge (figures 5-6) comprising an excess of flexible material that rest on the floor, the barrier means is bound within a rigid framework to define a self-contained unit, the first part of the barrier means comprising at least one flexible portion in the shape of a glove, the at least one flexible portion in the shape of a glove comprising a flexible sleeve terminating in a gloved end (figure 6), the barrier means being at least partially transparent, the at least partially transparent flexible means comprising a transparent window at or near a typical operator's eye sight (the helmet), the barrier means comprising an untethered lower end (the end in figure 6 is not attached to a tether).

Cazalis does not disclose the airflow being downwardly, the lower end of the rear wall transmitting externally airflow and adapted at or near to the upper end to transmit internally the airflow.

Szatmary discloses a booth having air flow being downwardly, the lower end of the rear wall (34) transmitting externally air flow(41), the upper end adapted to transmit internally the air flow (40, figure 1).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Cazalis's structure to show the air flow being downwardly, the lower end of the rear wall transmitting externally air flow and adapted at or near to the upper end to transmit internally the air flow as taught by Szatmary because it allows for the supply and control of filtered air in the enclosure as taught by Szatmary.

***Response to Arguments***

Applicant's arguments with respect to claims 1-17, 19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different containment assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

12/9/04

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12/9/04